

REMARKS

Claims 1, 3, 6-9, 11, 14-17, 19, 22-27, and 33 are pending in the application.

Claims 1, 3, 6-9, 11, 14-17, 19, 22-27, and 33 have been rejected.

Claims 1, 3, 6-8, 11, 19, 25, and 33 have been amended. No new matter has been added.

Rejection of Claims under 35 U.S.C. §101

Claims 1, 3, 6-8, 25, and 33 stand rejected under 35 U.S.C. §101 because the claimed invention is purportedly directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

As an initial matter, Applicants respectfully submit that the machine-or-transformation test is not the sole test for determining §101 eligibility. Nevertheless, in an effort to expedite prosecution, Applicants respectfully submit that claims 1, 3, 6-8, 25, and 33 have been amended to recite “a computer-implemented method” that utilizes a processor. Applicants respectfully submit that the §101 rejection is thereby overcome.

In addition, Applicants respectfully submit that these amendments should be entered for purposes of Appeal, at least because these amendments place the application in better form for Appeal by materially reducing and simplifying the issues for such Appeal.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1, 3, 6-9, 11, 14-17, 19, and 22-27 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Bingham et al., U.S. Patent Publication No. 2002/0069094 (“Bingham”) in view of Couch et al., U.S. Patent No. 4,752,876 (“Couch”), further in view of Edward B. Fiske: “Christmas in Williamsburg” (Dec. 15, 1983) (“Fiske”), and further in view of Smith et al., U.S. Patent No. 6,085,164 (“Smith”), further in view of Walker et al, U.S. Patent No. 6,112,185 (“Walker”). Applicants respectfully traverse this rejection.

Claim 33 stands rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Bingham in view of Couch, and further in view of Walker. Applicants respectfully traverse this rejection.

The Office Action relies on the cited sections of Bingham, Couch, Fiske, Smith, and Walker, in combination, to disclose the elements of claim 1. *See* Office Action, pp. 5-16. However, the cited sections of Bingham, Couch, Fiske, Smith, and Walker, alone or in combination, fail to show, teach, or even suggest the elements of claim 1.

First, the cited sections of Bingham, Couch, Fiske, Smith, and Walker, alone or in combination, fail to show, teach, or even suggest defining a category, wherein the category comprises a subset of a plurality of function spaces, the subset of function spaces comprises the function space, and each function space of the subset of function spaces has one or more similar attributes. The Office Action relies on the cited sections of Couch to disclose these elements of claim 1. *Id.* at pp. 9-10. However, the cited sections of Couch fail to show, teach, or even suggest such limitations. Instead, the cited sections of Couch provide for a self-service terminal that allows a guest to check-in to a

lodging facility, where the check-in process results in the terminal issuing a key for a room of a type the guest has previously reserved. *See Couch*, 5:39:55. As will be appreciated, an act of issuing a key to a guest based on a type of reserved room does not teach or suggest an act of defining a category of function spaces, as in the claimed invention. In addition, even if Couch's disclosure of room types could somehow be successfully equated to a category of function spaces (a point Applicants do not concede), the cited sections of Couch would still fail to teach or suggest the act of defining a category of function spaces. This is because the cited sections of Couch simply provide for using room types to assign a key to a guest, and in no way show, teach, or suggest a process by which such rooms might be defined into different room types. Thus, the cited sections of Couch fail to show, teach, or even suggest defining a category, as in the claimed invention.

Furthermore, the cited sections of Bingham, Couch, Fiske, Smith, and Walker, alone or in combination, fail to show, teach, or even suggest automatically providing a real-time price quote for a function space based on the set of pricing rules and a threshold revenue value assigned to a function space. The Office Action characterizes the cited sections of Bingham as disclosing a real-time quote for a function space based on a set of pricing rules, and further posits that the cited sections of Walker somehow teach a real-time quote for a function space based on a threshold revenue value assigned to a function space. *See Office Action*, pp. 5-16. However, the cited sections of Walker fail to show, teach, or even suggest providing a real-time quote for a function space based on a threshold value assigned to a function space. The cited sections of Walker simply provide for accepting offers from a customer for upgraded services and evaluating such

offers according to seller-defined criteria and/or offer acceptance rules. *See* Walker, Abstract. As such, the cited sections of Walker do not provide for automatically providing a real-time quote to a customer based on a threshold value for a function space, but instead provide for having a customer provide an offer for upgraded services to a seller.

In addition, the offers in Walker originate from a customer, and not from a seller, and thus any offers provided to a seller are not based on a threshold value for a function space. This is because a threshold value (e.g., a minimum amount of revenue acceptable for an upgraded seat) is (and, logically, must be) defined by the seller, as part of an offer acceptance rule, and thus unknown to a customer placing an offer. *See* Walker, 6:18-41. Hence, the cited sections of Walker fail to show, teach, or even suggest providing a real-time quote for a function space based on a threshold value assigned to a function space.

Moreover, Walker's disclosure is limited to services with assigned seating (e.g., airline seating, car washing, dry cleaning, theatre seating, stadium seating, and so on). *See* Walker, 4:50-64. By contrast, the Bingham, Couch, Fiske, and Smith disclosures are directed to securing reservations within lodging facilities (e.g., hotels). Securing a reservation for a hotel room does not involve or benefit from assigned seating, as disclosed in Walker. As such, the combinability of Bingham, Couch, Fiske, and Smith with Walker would not have been obvious to one of ordinary skill in the art.

For at least these reasons, the cited sections of Bingham, Couch, Fiske, Smith, and Walker, alone or in combination, fail to show, teach, or even suggest the elements of claim 1. Claims 9, 17, and 33 are representative of claim 1. Hence, Applicants

respectfully request the reconsideration and withdrawal of the rejections to claims 1, 9, 17, and 33, and all claims depending therefrom.

With regard to claim 3, the Office Action also relies on the cited sections of Bingham, Couch, Fiske, Smith, and Walker, in combination, to disclose the elements recited in claim 3. *See* Office Action, p. 16. However, the cited sections of Bingham, Couch, Fiske, Smith, and Walker, alone or in combination, fail to show, teach, or even suggest the elements of amended claim 3. The Office Action relies on the cited sections of Bingham to disclose providing a real-time quote for a function space based upon a set of pricing rules and to disclose that a plurality of function spaces are individual hotels of a hotel chain. *See* Office action, pp. 8 & 16. However, the cited sections of Bingham fail to show, teach, or even suggest a set of pricing rules, particularly a set of pricing rules that comprise at least one generic pricing rule and at least one property-specific pricing rule specific to one of a plurality of properties, as claimed. Instead, the cited sections of Bingham simply provide for displaying quotes for each of a set of hotels to a customer, based on a customer's profile. *See* Bingham, Figs. 11 & 12. Even if the cited sections of Bingham could somehow be said to successfully disclose the use of a set of pricing rules to provide a quote for a plurality of properties (a point Applicants do not concede), the cited sections of Bingham would still fail to teach or suggest a set of pricing rules that comprises both generic and property-specific pricing rules, as in the claimed invention.

For at least these reasons, the cited sections of Bingham, Couch, Fiske, Smith, and Walker, alone or in combination, fail to show, teach, or even suggest the elements of amended claim 3. Claims 11 and 19 are representative of claim 3 and have been amended in a comparable manner. Hence, Applicants respectfully requests the

reconsideration and withdrawal of the rejections to claims 1, 9, 17, and 33, and all claims depending therefrom.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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